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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 542 OF 2007

The State of Maharashtra ... Applicant

V/s

Motiram Paring Bagul & ors. ... Respondents
(Ori.Accused Nos.1 to 4)

ALONGWITH

CRIMINAL APPEAL NO. 179 OF 2007

The State of Maharashtra ... Applicant

V/s

Ishwar Motiram Bagul ... Respondent
(Ori.Accd.No.3)

Mr. A.S. Shitole, A.P.P. for the applicant State in both matters.

CORAM: D. G. DESHPANDE &
SMT. NISHITA MHATRE, JJ.

DATED: 26TH APRIL, 2007.

P.C.:

1. Heard learned A.P.P. in both matters. Cri. Application No.542 of 2007 is against the acquittal and the application for leave to appeal and Cri. Appeal No. 179 of 2007 is for enhancement of sentence.

2. The accused No.3 was convicted under Section 325 of

the Indian Penal Code. He was sentenced till rising of the Court and pay a fine of Rs.5000/-. This is totally an inadequate sentence. The victim was hospitalized for more than 21 days. Both the injuries were on head. Therefore the acquittal of the accused No.3 is wrong, so also the sentence imposed upon him. The acquittal of other accused is also wrong and, therefore, leave granted.

3. Both the appeals admitted.

4. Action under Section 390 of the Criminal Procedure Code against the accused before the Trial Court.

(D.G. DESHPANDE, J.)

(SMT. NISHITA MHATRE, J.)